REMARKS

Claims 1 to 15 and 17 to 29 are the pending claims, of which Claims 1, 15 and 19 are the independent claims. Claims 1, 2, 19, 25 and 26 are being amended. Reconsideration and further examination are respectfully requested.

Applicants gratefully acknowledge the indication that Claims 15, 17 and 18 recite patentable subject matter. It is submitted that the remaining claims of the present Application also recite patentable subject matter, as discussed below.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Office Action contends that Claim 1 is vague and indefinite because it fails to specify how a transaction identifies a set of instructions for storing formatted content or how the transaction allows an end server to execute the set of instructions identified by the transaction. Yet the precise method for carrying out these steps is not necessary.

Specifically, it is respectfully submitted that the § 112, second paragraph rejection should be withdrawn, since the claimed subject matter is sufficiently clear and definite to satisfy the § 112, second paragraph requirements. More particularly and as is set forth in MPEP § 2173.02:

> "[t]he test for definiteness under 35 U.S.C. 112, second paragraph, is whether 'those skilled in the art would understand what is claimed when the claim is read in light of the specification.'" (citing Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986)).

MPEP § 2173.02 further states:

> "the examiner should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness". (emphasis in original)

It is submitted that the subject matter of Claim 1 is defined with more than a reasonable degree of particularity and distinctness. The Examiner is reminded that breadth of a claim should not be equated with indefiniteness. See MPEP § 2173.04. Exemplars of how these claim steps are performed are described in the specification. That these steps can conceivably be performed in multiple different ways does not render the claim indefinite. Id. One of ordinary skill in the art would certainly understand what is being claimed when the claim is read in light of the specification. Accordingly, it is submitted that the subject matter of Claim 1 is defined with sufficient clarity and precision to satisfy 35 U.S.C. § 112, second paragraph. The § 112, second paragraph rejection should therefore be withdrawn.

By the Office Action, Claims 1 to 14 and 19 to 29 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,279,001 (DeBetencourt). Reconsideration and withdrawal of the rejection are respectfully requested.

Turning to the specific language of the claims, Claim 1 recites a method of delivering content from a plurality of sources to a plurality of end servers through a central manager. According to the method, content is received from at least one content source at the central manager. The received content is in a form used by the content source. The received content is re-formatted to a form other than that used by the content source, and a transaction is created and sent to an end server in a plurality of end servers. The transaction, which is generic to the plurality of end servers and identifies a set of instructions for storing the re-formatted content, allows the end server to execute the set of identified instructions if the re-formatted content is desired by the end server, the set of instructions storing the re-formatted content into the memory of the end server.

Claim 1 is amended to further clarify that content received from a content source, which is in a form used by the content source, is re-formatted to a form other than that used by the content source.

The feature of receiving content in a form used by the content source and re-formatting the content to a form other than that used by the content source is not disclosed, taught or suggested by DeBetencourt. Nothing in DeBetencourt discloses, teaches or suggests creating a transaction generic to a plurality of end servers, which identifies a set of instructions for storing the re-formatted content, and sending the transaction to an end server to allow the end server to execute the set of identified instructions to store the re-formatted content into the memory of the end server.

DeBetencourt describes a system for load-balancing web page traffic, a problem unrelated to the present invention. The DeBetencourt system gathers data on web page requests, determines the status of web servers, and directs web page requests to available web servers, which serve web pages in response to web page requests. While DeBetencourt describes that web pages can be requested using an HTTP protocol, or other protocol, and that a user can also make a request to retrieve data from or store data to a database using the HTTP protocol, these are common web transmission protocols, and no format change is described in the reference. DeBetencourt clearly cannot be said to disclose, teach or suggest receiving content in a form used by the content source and re-formatting the content to a form other than that used by the content source.

The remaining cited portions of DeBetencourt, i.e., col. 2, lines 1 to 4 and col. 5, line 58 to col. 6, line 43, describe monitoring web page requests, collecting and storing information about the web page requests and system components, and monitoring the status of each web

server. The stored information referred to in the cited portions of DeBetencourt is load-balancing and status information used to monitor web server status and to balance the load amongst the available web servers. Monitoring web page requests and storing information in order to perform load balancing cannot be said to be the same as receiving content in a form used by the content source and re-formatting the content to a form other than that used by the content source.

Nothing in DeBetencourt can be said to teach, suggest or disclose receiving content from a content source in a form used by the content source and re-formatting the received content to a form other than that used by the content source. Furthermore, nothing in DeBetencourt teaches, suggests or discloses creating a transaction generic to a plurality of end servers, which identifies a set of instructions for storing the re-formatted content, and sending the transaction to an end server to allow the end server to execute the set of identified instructions to store the re-formatted content into the memory of the end server.

In view of the above discussion, DeBetencourt fails to teach, suggest or disclose each and every one of the elements claimed in Claim 1. Accordingly, since DeBetencourt is missing multiple elements of the claim, DeBetencourt can not be relied upon as an anticipatory reference, nor can it form the basis of a satisfactory obviousness rejection.

Accordingly Claim 1 is therefore believed to be in a condition for allowance. Claim 19 is also believed to be in condition for allowance for at least the same reasons.

The claims that depend from the independent claims discussed above are also believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional invention, the individual consideration of each on its own merits is respectfully requested.